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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/021,896	12/17/2001	Herbert Breinich	2000P80206 US	1969
7590	02/27/2004		EXAMINER	
Martin A. Farber Suite 473 866 United Nations Plaza New York, NY 10017			HOOLAHAN, AMANDA J	
			ART UNIT	PAPER NUMBER
			2859	

DATE MAILED: 02/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/021,896	BREINICH ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	Amanda J Hoolahan	2859

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 22 December 2003.

2a) This action is **FINAL**.                            2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 9 and 11-22 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 9 and 11-22 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 11/06/2002.

4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_

5) Notice of Informal Patent Application (PTO-152)

6) Other: \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claim 9, 11-15 and 17-22 are rejected under 35 U.S.C. 102(b) as being unpatentable by USPN 4,380,043 to Takamatsu et al. [hereinafter Takamatsu].

Numeral C has been added to Figure 1 in reference to a certain component of the invention disclosed by Takamatsu. See copy attached at the end of this action.

Takamatsu discloses a display instrument comprising at least two illuminated pointers (33, 34) which are located one on top of the other, each composed of a head and a pointer lug and rotatable independently of one another about a common display axis, the illuminated pointers being composed of a light-guiding material and each having a light entry face and light injected there exiting on a side of the pointer lugs facing the viewer, a drive unit (column 3, line 2), the drive unit driving an upper pointer (34) of said pointers, a lower pointer (33) of said pointers being located, or moveable, between the drive unit and the upper pointer, wherein for at least two of the illuminated pointers (33, 34) there is a common light source (23), and light is fed to the illuminated pointers via a light splitter (44d), wherein a drive shaft (31) of the upper pointer serves as a light guide and a portion of the drive shaft (42) is embodied as the light splitter and the light is led from the drive shaft of the upper pointer via the light splitter to a generated surface of the lower pointer (see Figure 1); the light splitter (44d) is plugged together

with a main part of the drive shaft (42); in the light splitter (44d), one portion of the light exits in a direction of an axis of rotation and a further portion exits perpendicular thereto (see Figure 5); an upper illuminated pointers (34) has the light entry face (34a) which picks up the light exiting in the axial direction, said upper illuminated pointer (34) being plugged onto the light splitter; a lower of illuminated pointers (33) has the light entry face (C) which picks up laterally exiting light; a head (33a) of the lower illuminated pointer (33) surrounds the light splitter in an annular shape and the light entry face (C) is embodied on an inner generated surface in the head; in the light splitter (44d) one portion of the light exits in a direction of an axis of rotation and a further portion exits perpendicular thereto; the light source is positioned in axial direction of the drive shaft; the light source (23) is a light-emitting diode which is arranged below an end of the drive shaft which is remote from the light splitter and injects light into the end of the drive shaft (see Figure 1).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Takamatsu in view of USPN 6,224,221 to Glienicke.

Numeral A has been added to Figure 1 by the examiner in reference to a certain Glienicke component of the invention disclosed by Takamatsu. See copy attached at the end of this action.

Takamatsu discloses the display instrument as described above in paragraph 2.

Takamatsu does not disclose the light splitter to have a frustum-shaped coaxial depression, a generated surface of frustum serving as a reflection face for laterally exiting light and a base face serving as an exit face for axially exiting light.

Glienick discloses an illuminated device comprising a frustum-shaped coaxial depression (13), a generated surface of frustum (15) serving as a reflection face for laterally exiting light and a base face (A) for axially exiting light. Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to replace the light splitter, as taught by Takamatsu, with the frustum-shaped coaxial depression, as taught by Glienick, in order to more directly reflect the light to each of the respective pointers.

#### ***Response to Arguments***

5. Applicant's arguments filed December 22, 2003 have been fully considered but they are not persuasive.

6. With respect to Applicant's argument that the light source is not in an axial direction to the drive shaft: This argument is not persuasive because the light source (23) disclosed by Takamatsu *is* in an axial direction compared with the drive shaft (30). Webster's Collegiate Dictionary 10<sup>th</sup> edition defines "axial" as "located on, around, or in the direction of an axis", and the direction in which the light is being directed in Figure 1 of Takamatsu, is in the same

direction of the drive shaft disclosed. The light is then deflected into a perpendicular direction as shown clearly in Figures 1 and 4 of Takamatsu.

***Conclusion***

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Amanda J Hoolahan whose telephone number is (703) 308-0139. The examiner can normally be reached on Monday through Friday 8:00 am to 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Diego F Gutierrez can be reached on (703) 308-3875. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ajh  
February 5, 2004



Diego Gutierrez  
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**CHRISTOPHER W. FULTON  
PRIMARY EXAMINER**